EXHIBIT 40

Fill in this information to identify the case:				
Debtor	Highland Capital M	anagement, L.	Р.	
United States Ba	nkruptcy Court for the: North	iern	_ District of _	Texas (State)
Case number	19-34054		_	, ,

Official Form 410

Proof of Claim 04/19

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies or any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Р	art 1: Identify the Clair	m	
1.	Who is the current creditor?	Highland Small-Cap Equity Fund Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor	
2.	Has this claim been acquired from someone else?	✓ No Yes. From whom?	
3.	Where should notices and	Where should notices to the creditor be sent?	Where should payments to the creditor be sent? (if different)
payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)		Highland Small-Cap Equity Fund Highland Energy MLP Fund 300 Crescent Court, Ste 700 Dallas, Texas 75201	
		Contact phone	Contact phone
		Contact email See summary page	Contact email
Uniform claim identifier for electronic payments in chapter 13 (if you use one):		one):	
4.	Does this claim amend one already filed?	No Yes. Claim number on court claims registry (if known)	Filed on
5.	Do you know if anyone else has filed a proof of claim for this claim?	No Yes. Who made the earlier filing?	

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Pa	rt 2: Give Information A	bout the Claim as of the Date the Case Was Filed	
6.	Do you have any number	☑ No	
	you use to identify the debtor?	Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor:	
7.	How much is the claim?	\$ see attached Exhibit "A" Does this amount include interest or other charges? No Yes. Attach statement itemizing interest, fees, expenses, or other	
		charges required by Bankruptcy Rule 3001(c)(2)(A).	
8.	What is the basis of the claim?	es: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). sclosing information that is entitled to privacy, such as health care information.	
		see attached Exhibit "A"	
9.	Is all or part of the claim secured?	Yes. The claim is secured by a lien on property. Nature or property: Real estate: If the claim is secured by the debtor's principle residence, file a Mortgage Proof of Claim Attachment (Official Form 410-A) with this Proof of Claim. Motor vehicle Other. Describe: Basis for perfection: Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.) Value of property: Amount of the claim that is secured: [The sum of the secured and unsecured amount should match the amount in line 7.)	
		Amount necessary to cure any default as of the date of the petition: Annual Interest Rate (when case was filed)% Fixed	
		☐ Variable	
10.	Is this claim based on a lease?	✓ No ✓ Yes. Amount necessary to cure any default as of the date of the petition.	
11.	Is this claim subject to a right of setoff?	✓ No Yes. Identify the property:	

Official Form 410 Proof of Claim

12. Is all or part of the claim	☑ No		
entitled to priority under 11 U.S.C. § 507(a)?	Yes. Check all that apply:	Amount entitled to priority	
A claim may be partly priority and partly	Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).	s	
nonpriority. For example, in some categories, the law limits the amount entitled to priority.	Up to \$3,025* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).	\$	
endied to priority.	Wages, salaries, or commissions (up to \$13,650*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).	\$	
	Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).	\$	
	Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).	\$	
	Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.	\$	
	* Amounts are subject to adjustment on 4/01/22 and every 3 years after that for cases begun	on or after the date of adjustment.	
13. Is all or part of the claim pursuant to 11 U.S.C. § 503(b)(9)?	 ✓ No Yes. Indicate the amount of your claim arising from the value of any goods receduled days before the date of commencement of the above case, in which the goods the ordinary course of such Debtor's business. Attach documentation supporting 	have been sold to the Debtor in	
Part 3: Sign Below			
The person completing this proof of claim must sign and date it. FRBP 9011(b). If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is. A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.	Check the appropriate box: ☐ I am the creditor. ☐ I am the creditor's attorney or authorized agent. ☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004. ☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005. I understand that an authorized signature on this <i>Proof of Claim</i> serves as an acknowledge the amount of the claim, the creditor gave the debtor credit for any payments received tow. I have examined the information in this <i>Proof of Claim</i> and have reasonable belief that the I declare under penalty of perjury that the foregoing is true and correct. Executed on date	vard the debt.	
	/s/Frank George Waterhouse Signature		
	Print the name of the person who is completing and signing this claim: Name Frank George Waterhouse		
	First name Middle name Last n	ame	
	Title <u>Authorized Agent</u>		
	Company Highland Small-Cap Equity Fund Identify the corporate servicer as the company if the authorized agent is a servicer.		
	Address		
	"1\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	\$(5{«	

Official Form 410 Proof of Claim

Case 3:21-cv-00881-X Document 138-40 Filed 07/14/23 Page 5 of 6 PageID 9466 KCC ePOC Electronic Claim Filing Summary

For phone assistance: Domestic (877) 573-3984 | International (310) 751-1829

Debtor:				
19-34054 - Highland Capital Management, L.P.				
District:				
Northern District of Texas, Dallas Division				
Creditor:	Has Supporting Documentation:			
Highland Small-Cap Equity Fund		Yes, supporting documentation successfully uploaded		
Highland Energy MLP Fund	Related Document Statement:			
300 Crescent Court, Ste 700				
	Has Related Claim:			
Dallas, Texas, 75201	No			
Phone:	Related Claim Filed	Related Claim Filed By:		
Phone 2:	Phone 2: Filing Party:			
Fax:	Authorized ag	ent		
Email:				
fwaterhouse@highlandcapital.com				
Other Names Used with Debtor: Amends Claim:				
	No			
	Acquired Claim:			
	No	T		
Basis of Claim:	Last 4 Digits:	Uniform Claim Identifier:		
see attached Exhibit "A"		No No		
Total Amount of Claim:		Includes Interest or Charges:		
see attached Exhibit "A"	No No			
Has Priority Claim:	Priority Under:			
No	N			
Has Secured Claim:		Nature of Secured Amount:		
No Amount of 503(b)(9):	Value of Property:			
No	Annual Interest Rate:			
Based on Lease:	Arrearage Amount:			
No.	Basis for Perfection:	Basis for Perfection:		
Subject to Right of Setoff:				
No	Amount Unsecured:			
Submitted By:				
Frank George Waterhouse on 08-Apr-2020 3:06:28 p.m. Eastern Time				
Title:				
Authorized Agent				
Company:				
Highland Small-Cap Equity Fund				

Exhibit A

This Exhibit "A" is being filed by Highland Capital Management Fund Advisors, L.P. ("HCMFA") and Claimant pursuant to the Second Amended and Restated Shared Services Agreement to be effective as of February 8, 2013, the Payroll Reimbursement Agreement entered into May 1, 2018 and Amendment Number One to Payroll Reimbursement Agreement entered into on December 14, 2018, pursuant to which Claimant has a claim against the Debtor in a contingent and unliquidated amount. Claimant has requested information from the Debtor to ascertain the exact amount of its claim. This process is on-going. Additionally, this process has been delayed due to the outbreak of the Coronavirus. Claimant is continuing to work to ascertain the exact amount of its claim and will update its claim in the next ninety days.